

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CHARLES AL-PINE,

Petitioner,

vs.

No. CV 18-00751 KG/KK

KENDALL RICHERSON,

Respondent.

**ORDER DENYING APPLICATION TO PROCEED IN DISTRICT COURT
WITHOUT PREPAYING FEES OR COSTS**

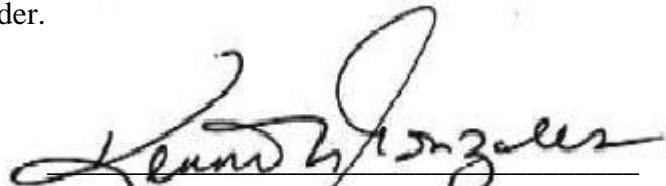
THIS MATTER is before the Court on the Application to Proceed in District Court Without Prepaying Fees or Costs filed by Petitioner Charles Al-Pine (Doc. 5). The Court denies Petitioner's Application to Proceed and orders Plaintiff to pay the full \$5 filing fee.

Petitioner submitted a habeas corpus petition. The Court determined that Petitioner's submission was deficient because Petitioner had not paid the \$5 filing fee or filed an Application to Proceed in District Court Without Prepaying Fees or Costs. (Doc. 3). The Court ordered Petitioner to cure this deficiency within thirty (30) days from entry of the Order by either paying the full \$5 filing fee or submitting an Application to Proceed in District Court Without Prepaying Fees or Costs. *See* 28 U.S.C. § 1915(a)(2). The Court also notified Petitioner that he has accrued in excess of three strikes under 28 U.S.C. § 1915(g) and may not proceed *in forma pauperis* in the federal courts unless he is in imminent danger of serious physical injury. (Doc. 3). *See Charles Alpine v. Scott S. Harris*, 2018 WL 1301672 (N.D. Tx. 2018)(unpublished). Petitioner filed a response to the Order to Cure Deficiency (Doc. 4) and then submitted his Application to Proceed under 28 U.S.C. § 1915 on August 24, 2018. (Doc. 5).

Neither Petitioner's response nor his Application to Proceed allege or support any inference that Petitioner Al-Pine is in imminent danger of serious physical injury. *See* Doc. 4, 5. Therefore, Petitioner may not proceed in this Court without prepaying the filing fee. 28 U.S.C. § 1915(g). The Court will order Petitioner to pay the \$5 filing fee for this proceeding within 30 days of entry of this Order. If the \$5 fee is not paid within 30 days, the Court may dismiss this case without further notice.

IT IS ORDERED:

- (1) Petitioner Charles Al-Pine's Application to Proceed in District Court Without Prepaying Fees or Costs (Doc. 5) is **DENIED**; and
- (2) Petitioner Charles Al-Pine is ordered to pay the \$5 filing fee for this proceeding within thirty (30) days of entry of this Order.



LEONARD W. GONZALES
UNITED STATES DISTRICT COURT